

1 BILL NO. Z-87-09-30 (AS AMENDED)

2 ZONING MAP ORDINANCE NO. Z- 29-87

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. Q-7.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated a B-3-B (General Business) District under the terms of
9 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Lot 15 in Gandy's Addition; Lots 64 and 65 in O'Rourke &
11 Gilmartins Subdivision; Part of of Lot 75 in Gandy's Addition
12 to the City of Fort Wayne, Indiana, more particularly described
13 as follows:

14 Beginning at the Southeast corner of said Lot 75; thence West
15 on the South line of said Lot 75, also being the North line
16 of Lot 15 in Gandy's Addition, a distance of 150 feet to the
17 Northwest corner of said Lot 15; thence Northwesterly, on a
18 projected Westerly line of Lot 15 and parallel to the Westerly
19 right-of-way line of Wayne Trace and also parallel to the Easterly
20 line of said Lot 75, a distance of 272.9 feet to the North line
21 of said Lot 75, being located 68 feet East of the Northwest
22 corner of said Lot 75; thence East, on the North line of said
23 Lot 75, a distance of 150 feet to the Northeast corner of said
24 Lot 75; thence Southeasterly, on said West right-of-way line,
25 a distance of 272.9 feet to the point of beginning,

26 and the symbols of the City of Fort Wayne Zoning Map No. Q-7, as established
27 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne,
28 Indiana are hereby changed accordingly.

29 SECTION 2. That this Ordinance shall be in full force
30 and effect from and after its passage and approval by the Mayor.

31 _____
32 COUNCILMEMBER

33 APPROVED AS TO FORM AND LEGALITY:

34 _____
35 BRUCE O. BOXBERGER, CITY ATTORNEY

BILL NO. Z-87- 05-30

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. Q-7.

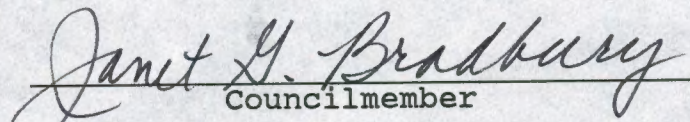
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

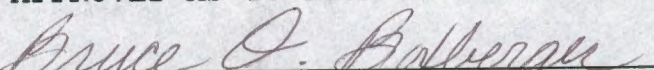
Lot 64 and 65 in O'Rourke & Gilmartin's Subdivision and
all Lot 75 and all of Lots 11 through 20 in Gandy's
Addition to the City of Fort Wayne, Allen County,
Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. Q-
7, as established by Section 11 of Chapter 33 of the Code of
the City
of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury
seconded by G. Quinta, and duly adopted, read the second time
by title and referred to the Committee Legislative (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M.

DATE: 9-22-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by G. Quinta, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>GIAQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 12-22-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-29-87

on the 22nd day of December, 1987

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana

on the 23rd day of December, 1987

at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of December
1987, at the hour of 1:30 o'clock P. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

No 2720

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7/22 1987

RECEIVED FROM Richard W. Chilcote, Sec. \$50.00

THE SUM OF fifty 100 DOLLARS

ON ACCOUNT OF 3002, 2928, 3020, 3024, 3030 Wayne Tract

Rezon. from B1B to B3B

K. Ony
AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Richard W Chilcote Sr
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

Lot no 65 + 64 at 2928 Wayne Trace (Used CAR Lot)
Lots 75 and Lots N thru 20 in GANDY'S Addition to the
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
O' Rourke & Gil Martin Sub Lots 64 & 65
(See attached)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2928 Wayne Trace & the block bd by
Evans, Turpie, Monford & Wayne Trace
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Chilcote's BARBER SHOP</u>		
<u>Richard W Chilcote Sr</u>	<u>3002 Wayne Trace</u>	<u>Richard W Chilcote Sr</u>
<u>AUTO SALES</u>		
<u>Ted L. Huce</u>	<u>2928 Wayne Trace</u>	<u>Ted L. Huce</u>
<u>Lavene Strong</u>	<u>3000 Wayne Trace</u>	<u>Lavene Strong</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Richard W Chilcote Sr 3002 Wayne Trace 46806 7452345
(Name) (Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

<u>TRI-STATE INSTRUMENT</u>	<u>3024 Wayne Trace</u>	<u>James W. Stubble</u>
<u>Used Car Lot</u>	<u>3030 Wayne Trace</u>	<u>Marie Tudor</u>
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

All of Lots 64 and 65 in O'Rourke & Gilmartin's Subdivision. All of Lot 75 and all of Lots 11 through 20 in Gandy's Addition to the City of Fort Wayne, Allen County, Indiana.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 22, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-09-30; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 21, 1987.

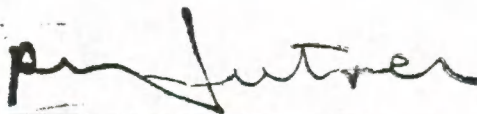
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 23 November 1987.

Certified and signed this
11th day of December 1987.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ 2928 Wayne Trace and the Block bounded by

Wayne Trace, Turpie St., Manford St., and Evans Street.

3-87-09-30

EFFECT OF PASSAGE _____ Property is present zoned B-1-B District - Limited Business.
Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE _____ Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-87-09-30

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From B-1-B to B-3-B

DETAILS**Specific Location and/or Address**

2928 Wayne Trace and block bounded by Wayne Trace, Turpie, Manford and Evans Street

Reason for Project

Used Auto Sales

Discussion (Including relationship to other Council actions)

21 September 1987 - Public Hearing

Mr. Richard Chilcote, stated that part of the petitioned area is presently being used for a Used Car Sales lot, and stated that they were not aware that they were not properly zoned. He further stated that in a previous petition the Commission recommended rezoning only the front half of the properties, and felt that would be acceptable. He stated he had spoken with most of the Councilmembers and they were in favor of the request.

Janet Bradbury questioned whether or not he was aware of the recommendation of a landscape buffer, and if that would present any problems for the petitioners.

There was some discussion on how a landscape buffer would/could be implemented. It was suggested that the petitioners might meet with staff to discuss any possible perfections of the rezoning, and the landscape buffering requirements.

There was no one else present who wished to speak in favor of or in opposition to the

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Richard Chilcote

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☐ For ☐ Against
☐ No Action Taken

☒ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

proposed rezoning.

28 September 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions:

1) Perfect the petition to include lots 11 thru 15 and the east half of Lot 75 (using the logical extension of the west property line of lots 11 thru 15), and lots 64 & 65.

2) Provide a corrected legal description.

3) A landscape screen, to be approved by the CD&P Landscape Architect should be installed along the west property lines of lot 11, extending to the south property line of lot 16, along the west lot line of lot 75, and along the west property line of lots 64 & 65 except for the existing ingress/egress point.

4) The owner of lot 16 should apply to the Board of Zoning Appeals for a variance to allow the use of the property as a parking lot.

Of the nine members present eight (8) voted in favor of the motion one (1) did not vote. Motion carried.

On October 7, 1987 the Commission staff received a letter from Mr. Chilcote stating that the property owners of Lots 11, 12, 13, & 14 of Gandy's Addition did not want to meet the conditions of

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Commission and were requesting that these lots be withdrawn from the request.

The ordinance was returned to the Commission at the November 23rd Business Meeting. At that time the Commission made a motion to accept the withdrawal of the Lots from the petition. Motion carried.

Project Start

Date 27 July 1987

Projected Completion or Occupancy

Date 11 December 1987

Fact Sheet Prepared by

Date 11 December 1987

Patricia Biancaniello

Reviewed by

Date

12 December 1987

Reference or Case Number

BILL NO. Z-87-09-30

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~ RESOLUTION) amending the City of Fort
Wayne Zoning Map No. Q-7

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd
CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry
THOMAS C. HENRY

Paul M. Burns
PAUL M. BURNS

Ben A. Eisbart
BEN A. EISBART

CONCURRED IN 12-22-87

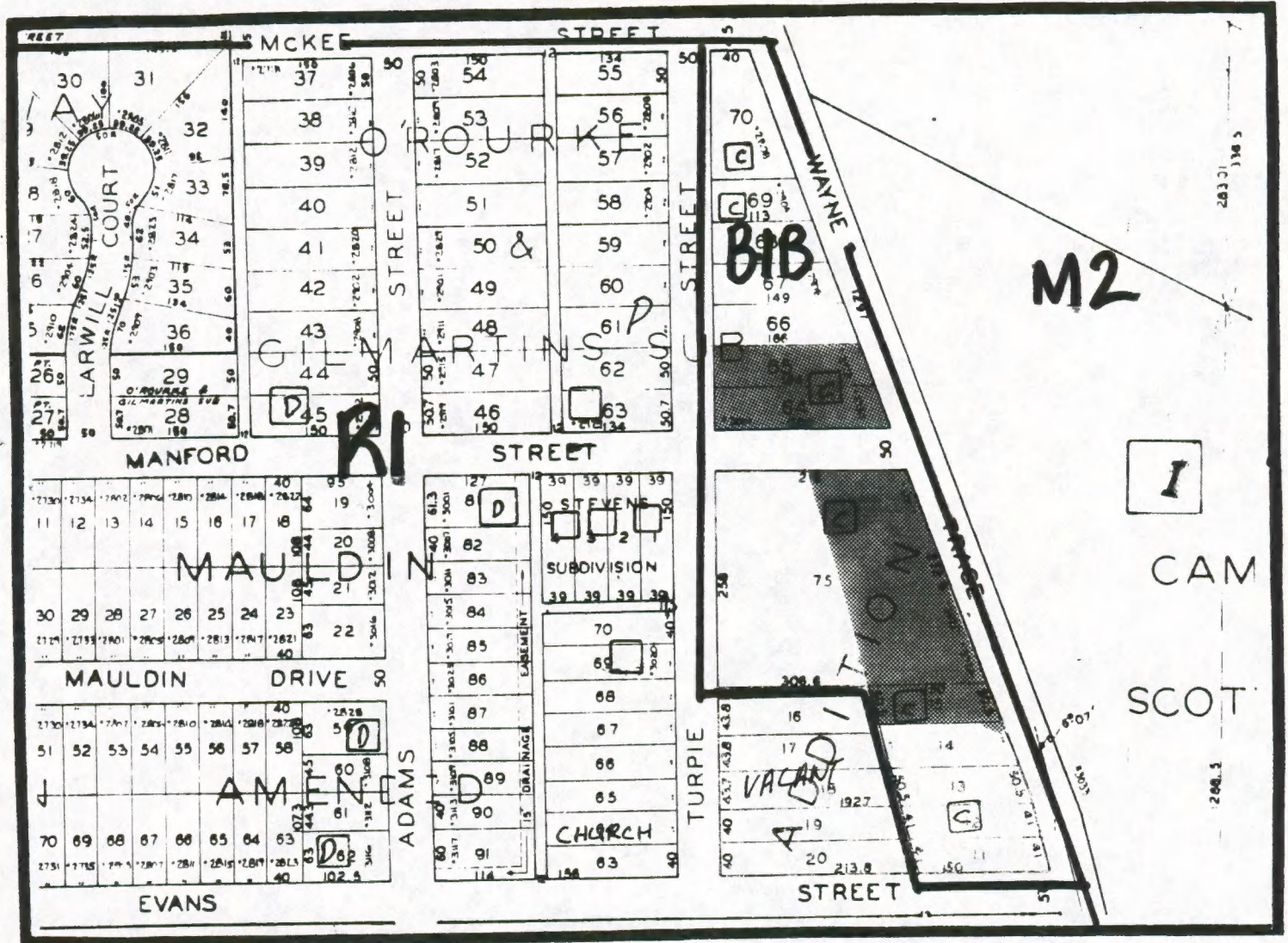
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #300

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B-1-B AND AN-R1 TO A B-3-B DISTRICT.

MAP NO. Q-7

COUNCILMANIC DISTRICT NO. 6



ZONING:

RI RESIDENTIAL DISTRICT
BIB LIMITED BUSINESS 'B'
M2 GENERAL INDUSTRY

LAND USE:

- ☐ SINGLE FAMILY
- ☒ DUPLEX
- ☒ COMMERCIAL
- ☒ PUBLIC-PARK
- ☒ INDUSTRIAL

AS AMENDED

SCALE: 1"=200'

DATE: 8-28-87

